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Attorneys for Third Party
SAN FRANCISCO DISTRICT ATTORNEY'S OFFICE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARYLON BOYD, et. al.,

Plaintiff,

v.

CITY AND COUNTY OF SAN
FRANCISCO; et. al.

Defendants.

Case No. C 04-cv-5459

STIPULATION AND PROPOSED
PROTECTIVE ORDER REGARD-
ING DOCUMENTS FROM OPEN
AND INACTIVE HOMICIDE
FILE.

The San Francisco District Attorney's Office ("SFDA"), pursuant to court order, will produce witness statements made to District Attorney Investigators to Boyd from the open and inactive Camerin Boyd homicide file of the San Francisco District Attorney's Office (Case #). SFDA believes that disclosure of these documents may jeopardize homicide investigations and /or put individuals in danger. Accordingly, SFDA and Boyd stipulate and agree that these statements will be produced subject to an "Attorneys' Eyes Only" protective order.

STIPULATION:

The parties stipulate to the following:

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1 All Witness Statements produced by SFDA from Open and Inactive
 2 homicide files of the SFDA are subject to the following "For Attorneys' Eyes Only"
 3 Protective Order. All documents containing the names, locations, and other identifying
 4 information for witnesses who statements were obtained by the SFDA are also subject
 5 to the following "For Attorneys' Eyes Only" Protective Order. These documents will
 6 be referred to as the "Protected Documents." All protected documents produced are to
 7 be used for the purposes of this litigation only. Prior to receiving Protected
 8 Documents, counsel for the plaintiff in this case must execute this stipulation. Upon
 9 execution, counsel is designated as "Receiving Counsel." Receiving Counsel may not
 10 disclose or use the Protected Documents in this litigation absent a stipulation or court
 11 order, secured in advance, except as provided in paragraphs 2, 3, and 4.

12 2. Notwithstanding the last sentence of paragraph 1, Receiving Counsel may
 13 disclose the Protected Documents to other attorneys and staff within their firm.
 14 Receiving Counsel may disclose Protected Documents to attorneys within their firm
 15 without notice or additional procedures. However, such attorneys are bound by this
 16 stipulation and order to the same extent as Receiving Counsel. Receiving Counsel may
 17 substitute another attorney within their firm to be Receiving Counsel. Such
 18 substitution may be made on three court days notice. If San Francisco objects to a
 19 substitution made pursuant to this paragraph, San Francisco may bring its objection
 20 before the court by letter.

21 3. Notwithstanding the last sentence of paragraph 1, Receiving Counsel may
 22 disclose Protected Documents to any expert they retain in this litigation.

23 4. Notwithstanding the last sentence of paragraph 1, Receiving Counsel or any
 24 other attorney at Receiving Counsel's firm may file Protected Documents with the
 25 Court, but only under seal. **Parties to comply with Local Rule 79-5.**

26 5. Any person other than the Receiving Counsel who receives a Protected
 Document must sign an agreement stating (1) they will use Protected Documents only
 for this litigation, (2) they will not disclose Protected Documents or the contents

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 DISTRICT ATTORNEY

thereof to anyone, (3) they will return all copies of Protected Documents to Receiving Counsel promptly upon the conclusion of this litigation. Receiving Counsel shall keep the originals of these agreements for two years post-conclusion of this matter.

6. When producing documents subject to this Protective Order, SFDA will label the documents "For Attorneys' Eyes Only." If SFDA inadvertently fails to mark any Protected Documents as "For Attorneys' Eyes Only," SFDA will substitute copies properly marked. Within 5 days of receipt of substitute copies, Receiving Counsel shall, at SFDA's option, destroy unmarked copies or make the unmarked copies available for San Francisco's retrieval at San Francisco's expense.

7. At the conclusion of this matter, Receiving Counsel will promptly return to SFDA all copies of the Protected Documents.

8. This Order, when entered by the Court, will be retroactive to the date of production.

Dated:

Respectfully submitted,

Dated: 6/7/06

Kamala D. Harris
SAN FRANCISCO DISTRICT ATTORNEY

Thomas J. Wallace
Assistant District Attorney

Dated: _____

Michael Morrison
Attorney for Plaintiffs
Marylon Boyd, et al.

KAMALA HARRIS
DISTRICT ATTORNEY

1 thereof to anyone, (3) they will return all copies of Protected Documents to Receiving
2 Counsel promptly upon the conclusion of this litigation. Receiving Counsel shall keep
3 the originals of these agreements for two years post-conclusion of this matter.

4 6. When producing documents subject to this Protective Order, SFDA will
5 label the documents "For Attorneys' Eyes Only." If SFDA inadvertently fails to mark
6 any Protected Documents as "For Attorneys' Eyes Only," SFDA will substitute copies
7 properly marked. Within 5 days of receipt of substitute copies, Receiving Counsel
8 shall, at SFDA's option, destroy unmarked copies or make the unmarked copies
9 available for San Francisco's retrieval at San Francisco's expense.

10 7. At the conclusion of this matter, Receiving Counsel will promptly return to
11 SFDA all copies of the Protected Documents.

12 8. This Order, when entered by the Court, will be retroactive to the date of
13 production.

14 Dated:


15 Respectfully submitted,

16
17
18 Dated: _____

Kamala D. Harris
SAN FRANCISCO DISTRICT ATTORNEY

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21 _____
22 Thomas J. Wallace
23 Assistant District Attorney

24 Dated: June 8, 2006

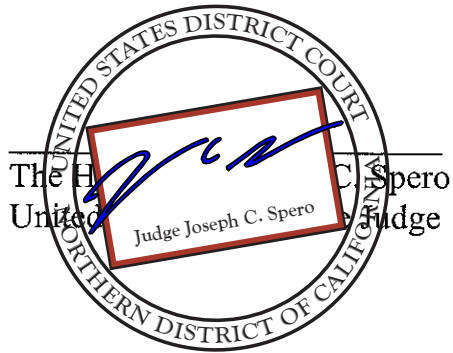
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26 Michael Morrison
Attorney for Plaintiffs
Marylon Boyd, et al.

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ORDER

IT IS SO ORDERED.

Dated: June 8, 2006



KAMALA HARRIS
DISTRICT ATTORNEY

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am a resident of the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is 723 Ocean Front Walk, Venice, California 90291.

On June 8, 2006, I served the foregoing documents described as:

**STIPULATION AND PROPOSED PROTECTIVE ORDER REGARDING DOCUMENTS
FROM OPEN AND INACTIVE HOMICIDE FILE**

on all interested parties in this action by placing an original or X a true copy thereof enclosed in sealed envelopes addressed as follows:

Blake Loeb
Deputy City Attorney
1390 Market Street, 6th Floor
San Francisco, CA 94102

Thomas J. Wallace
Assistant District Attorney
850 Bryant St., Rm 322
San Francisco, CA 94103

 X **[BY MAIL]** I caused such envelope to be deposited in the mail at Venice, California. The envelope was mailed with postage thereon fully prepaid.

 [BY FEDERAL EXPRESS] I caused such envelope to be delivered via federal express at Venice, California.

 [BY PERSONAL DELIVERY] I caused the foregoing document to be personally served on the interested party.

 [BY FAX] I transmitted the above document to the above facsimile.

 [STATE] I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

 X **[FEDERAL]** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.



Adrienne Primicias